



Chairperson: Bob Wyatt, NW Natural
Treasurer: Frederick Wolf, DBA, Legacy Site Services for Arkema

August 29, 2014

Kristine Koch
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900, M/S ECL-115
Seattle, Washington 98101-3140

**Re: LWG Comments on Revised FS Section 1 (Lower Willamette River, Portland Harbor
Superfund Site, USEPA Docket No: CERCLA-10-2001-0240)**

Dear Ms. Koch:

The Lower Willamette Group (LWG) and the U.S. Environmental Protection Agency (EPA) have committed to a process to work together to finalize each section of the revised Feasibility Study (FS). EPA provided its proposed revised Section 1 of the FS to the LWG for review on July 8, 2014. EPA agreed that the LWG's review period would run concurrently with the LWG's review of EPA's proposed revisions to Sections 5 and 10 of the Remedial Investigation, ending August 29, 2014. Although EPA and the LWG have reached agreement on some issues concerning FS Section 1, significant issues remain unresolved. This submittal transmits a summary of unresolved issues on Section 1, together with a marked draft of Section 1 identifying areas of remaining disagreement as well as memorializing agreements the LWG was able to reach with EPA during the review period. The LWG encourages EPA to consider and incorporate these comments in preparing its formal letter directing the LWG to incorporate its final revisions to FS Section 1.

In summary, we encourage EPA to:

- retain conceptual site model information critical to FS alternative development and evaluation within the FS;
- retain a summary of background sediment and water conditions in FS Section 1;
- provide a balanced presentation of sources based upon verifiable references, and clarify that upland source control actions and remedies will not be evaluated in the FS;
- clarify how early action datasets will be included in the FS; and
- provide complete risk assessment summaries.

In general, the LWG also has significant concerns about EPA's overall vision for revising the FS based on EPA's proposed edits to FS Section 1, which, on the one hand, lack important details about sources at and near the Study Area and about the FS process and, on the other, include a substantial amount of information about upland sites that were not investigated in the RI and will

not be addressed through the remedial alternatives (as we currently understand them) to be evaluated in the FS. The LWG encourages EPA to retain information and detail necessary to support EPA's remedy selection both scientifically and legally in order to facilitate remedy implementation through PRP settlements.¹

This input is part of the LWG's and EPA's efforts to reach consensus and develop a technically sound revised FS. It also is part of the continuing non-binding technical discussions that the parties agreed would precede EPA's revisions to each section. The LWG is also providing this input to continue our ongoing informal exchange of ideas and information. The comments provided herein, while certainly addressing many of the most important issues that have become apparent from the LWG's discussions with EPA, may not be comprehensive. The LWG will provide our comprehensive list of issues following EPA's transmission of a formal letter directing the LWG to make final text modifications and revisions to supporting tables, maps, and figures for Section 1.

We sincerely hope this information will be valuable to EPA as it undertakes the process of developing its final directions for changes to FS Section 1. We and our consultants remain available to discuss with EPA any issue we have raised here.

Sincerely,



Bob Wyatt

cc: Sean Sheldrake, U.S. Environmental Protection Agency, Region 10
Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of Siletz Indians of Oregon
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation of Oregon
Nez Perce Tribe
Oregon Department of Fish & Wildlife
United States Fish & Wildlife
Oregon Department of Environmental Quality
LWG Legal
LWG Repository

¹ See, EPA, "Enforcement First for Remedial Action at Superfund Sites" (OECA, OSWER September 20, 2002) ("EPA prefers to achieve PRP-lead cleanups through settlements.").